

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2534

IN THE MATTER OF:

Served February 29, 1984

Application of EUGENE H. GEORGE T/A)
SILVER STAR SIGHTSEEING TOURS for)
Temporary Authority to Conduct)
Special Operations -- Sightseeing)

Case No. AP-84-05

By application filed January 31, 1984, Eugene H. George trading as Silver Star Sightseeing Tours seeks to transport passengers in special operations, round-trip sightseeing tours, over irregular routes between points in the Metropolitan District. 1/

Applicant proposes to offer an individually-ticketed sightseeing tour which originates in Virginia, in the Seven Corners/Falls Church area, at the following five hotels: Quality Inn-Governor, 6650 Arlington Boulevard; Travel Lodge Seven Corners, 6111 Arlington Boulevard; Best Western Falls Church Inn, 6633 Arlington Boulevard; Econo-Lodge, 421 West Broad Street; and Stratford Motor Lodge, 300 West Broad Street. The proposed service would consist of a 5-hour riding tour of buildings and sites generally located in the monument area of the District of Columbia and nearby Northern Virginia, with stops at the U.S. Capitol, the White House (if open), Museum of American History, and the National Air and Space Museum, with building substitutions made as necessary. Service would be performed on a confirmed reservation basis. The adult fare would be \$20; children under 10 accompanied by a parent would be \$10 each. The Silver Star Tour would be available seven days per week and would ordinarily begin between 8:30 and 9 a.m., depending upon where a given passenger is picked up. However, other arrangements as to time could be made upon request.

In support of his application for temporary authority, Mr. George submitted letters from the five hotels which he proposes to serve. Douglass Ferguson, general manager of Quality Inn-Governor, attested to the need for the type of personal service which Mr. George proposes. He noted that while "Grayline" and other large operators had served his hotel over the years, such service was both temporary and

1/ To the extent this application could be construed to seek authority to transport passengers solely within the Commonwealth of Virginia, the same is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

unsatisfactory due to Quality Inn's location as well as the low volume of business it provided. Charles R. Johnson, general manager of Travel Lodge Seven Corners testified that Travel Lodge is not served by any of the larger tour lines. According to Mr. Johnson, an available and reliable tour service is essential to customers at his hotel. William A. Tippins, general manager, Best Western Falls Church Inn, stated that the hotel's guests expect and require tour services. He has contacted "other tour agencies" but without success in arranging pick ups in the Falls Church area. Gloria L. Sandler, manager, Econo-Travel Motor Hotel, stated that the service offered by Mr. George is badly needed at both their Arlington (Econo-Travel) and Falls Church (Econo-Lodge) locations. Other tours, available in the past, had proved unsatisfactory due to the tour operators' refusal to serve the hotel directly or to deal with small numbers of people. Maria Obradovich noted a need for Mr. George's services on behalf of the Stratford Motor Lodge. In addition to the letters of support filed by the hotels, a letter from Mr. and Mrs. Jerome Thorson accompanied Mr. George's request for temporary authority. The Thorsons had been unable to obtain accommodations within the District of Columbia as planned. As a result they stayed at the Econo-Travel in Arlington and took the Silver Star Tour. They were happy with the service and noted their belief that such tours were necessary to the area.

Issuance of temporary authority is a matter consigned to the Commission's discretion under the criteria in Title II, Article XII, Section 4(d)(3) and may be granted without hearing or other proceedings for a period not to exceed 180 days. Mr. George has demonstrated ample support for his proposed service. The statements of representatives of those hotels which he proposes to serve, when read together, indicate that customers at the subject hotels rely on applicant's service as the only readily available tour service to downtown Washington, D.C. These letters further indicate that no other certificated carrier is willing to provide reliable service originating in the area which applicant proposes to serve. The hotels and the Thorsons attested to the quality of Mr. George's service. For this reason, we will grant the application as filed. There are several items which need to be addressed, however.

First, this application is replete with references to the fact that both applicant and his predecessor in interest have provided the "proposed" service without certification. A threshold showing requisite to the grant of any authority from this Commission is a showing of fitness both operationally and as to compliance. In this case, because the possibility of illegal operations exists, the issue of compliance fitness must be addressed. In this regard, we note that applicant owns two vehicles in which he proposes to offer service: an 11-passenger van and an 8-passenger limousine. No certificate is

necessary at this time to provide service in the latter vehicle. 2/ The record is silent regarding any use of a van by applicant to conduct his tours. However, the letter from the Thorsons refers to tours by car. Thus, based on the evidence of record, we presume that applicant has been complying with the requirements of the Compact and the Commission. 3/

Second, the application prescribes the minimum Virginia pickup to be two passengers and the minimum tour group to be four passengers. It is not clear what Mr. George intends by this qualification. A minimum of four passengers from the five hotels would be acceptable and consistent with the showing of need presented by Mr. George. However, a four passenger minimum consisting of two passengers from one of the Virginia hotels and two passengers picked up en route or within the District would be unsupported by that showing. Consequently we direct that this item be clarified by an amended tariff.

Third, applicant has presented evidence that seems to pertain to the Econo-Travel Motor Hotel at 3335 Lee Highway in Arlington. Our reading of his application is that it does not include that location. Should Mr. George desire to serve that location, he may address that issue at the hearing on his application for a certificate of public convenience and necessity.

For the reasons and with the conditions discussed above, we conclude that the application should be granted.

THEREFORE, IT IS ORDERED:

1. That Eugene H. George trading as Silver Star Sightseeing Tours is hereby granted temporary authority to transport passengers and their baggage from Quality Inn-Governor, 6650 Arlington Boulevard; Travel Lodge Seven Corners, 6111 Arlington Boulevard; Best Western Falls Church Inn, 6633 Arlington Boulevard; Econo-Lodge, 421 West Broad Street; and Stratford Motor Lodge, 300 West Broad Street to points in the District of Columbia and Arlington County and return.

2. That said temporary authority shall become effective upon compliance by applicant with the requirements set forth in this Order and shall remain in effect until Monday, August 27, 1984, unless otherwise ordered by the Commission.

2/ The extent of WMATC regulation of such service rendered in a limousine of this seating capacity is a matter under investigation in Case No. MP-83-01, currently pending.

3/ Consent decree, Order No. 2496, served November 15, 1983, in Case No. MP-83-04.

3. That Eugene H. George trading as Silver Star Sightseeing Tours is hereby directed to file a certificate of insurance conforming with Commission Regulation No. 62 (as amended) and an affidavit of compliance with Regulation No. 68-03 governing identification of equipment operated under temporary authority and noting the license plate number of his van.

4. That Eugene H. George trading as Silver Star Sightseeing Tours is hereby directed to file two copies of a revised tariff clarifying minimum tour groups as discussed within the text of this Order.

5. That unless applicant complies with the mandates of the two preceding paragraphs within 15 days from the date of service of this Order, or such additional time as may be authorized, this grant of temporary authority shall be void and this application shall stand denied effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS WORTHY, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director